

To: Lensink, Andy[Lensink.Andy@epa.gov]
From: Duffy, William
Sent: Tue 6/18/2013 9:41:25 PM
Subject: RE: Atlantic Richfield letter for USGS costs [WJD edits]

Truly a waste of everybody's time; sorry to hear that approach is still in play. Roy needs to confirm whether the 7/16 date will work.

I cannot recommend to AR that the company agree to a date in an AOC amendment that carries a stipulated penalty if it cannot be met. Agreeing to the date in a letter w/o the prospect of penalties if AR is late would be a better approach. In any event AR will make best efforts to obtain authority to meet whatever date is selected.

Bill

Bill Duffy

Davis Graham & Stubbs

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(303) 892-7372 (direct)

From: Lensink, Andy [mailto:Lensink.Andy@epa.gov]
Sent: Tuesday, June 18, 2013 3:24 PM
To: Duffy, William; Coleman, Charles; Sturn, David
Cc: Thun, Roy I; Kelley, Jill (Kelly Services); jpd@prrlaw.com
Subject: RE: Atlantic Richfield letter for USGS costs [WJD edits]

Bill:

Thank you.

My understanding is that we need to have the funds in a special account no later than July 19, 2013 to give EPA time to do all the “processing” that must occur for this arrangement to start October 1. In other words, we have lead time of around 70 days. This is because EPA always has a crunch leading into the fiscal year which begins October 1. It’s worse this year because of the budget situation and the sequester.

If we miss the July 19, 2013 deadline, ARCO can still pay the costs, everything will just start a little later, perhaps November 1 or later.

Also, we now are working on an AOC modification again, so stay tuned.

Andy

From: Duffy, William [mailto:William.Duffy@dgslaw.com]
Sent: Tuesday, June 18, 2013 10:45 AM
To: Lensink, Andy; Coleman, Charles; Sturn, David
Cc: Thun, Roy I; Kelley, Jill (Kelly Services); jpd@prrlaw.com
Subject: Atlantic Richfield letter for USGS costs [WJD edits]

Andy, Charlie and Dave – I have made two revisions to the letter that Andy circulated. The first is to push out the AR payment date to August 16, which is necessary to allow Roy to complete his internal process to confirm management approval. The second edit is to acknowledge this payment is for a dedicated purpose, the USGS funding, and that EPA would use it for that or another UCFRB purpose before the money would be returned to the fund. I understand EPA’s guidance to require return to the fund as a potential outcome, but I suggest the parties include the hierarchy of outcomes in the letter.

Thanks for considering AR’s comments. If acceptable, I’ll finalize and send the letter this week.

Bill

Bill Duffy

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From: Lensink, Andy [<mailto:Lensink.Andy@epa.gov>]

Sent: Friday, June 14, 2013 2:43 PM

To: Duffy, William

Cc: Sturn, David; Coleman, Charles

Subject: USGS letter

Bill:

Attached is a draft of the letter.

I can't say it's final on our side, but it's close.

Andy